

**ZONING RESOLUTION**

**SOUTH BLOOMFIELD TOWNSHIP**

**MORROW COUNTY, OHIO**

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## **SOUTH BLOOMFIELD TOWNSHIP ZONING RESOLUTION**

**A RESOLUTION** for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of South Bloomfield Township, Morrow County, Ohio, finds it necessary and advisable to regulate the location, area, number and size of dwellings, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land; and for such purposes dividing the area as are deemed best suited to carry out said purpose, providing a method of administration, and proceedings for the administration and enforcement of this Resolution.

**BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF SOUTH BLOOMFIELD TOWNSHIP, MORROW COUNTY, STATE OF OHIO:**

### **ARTICLE I - TITLE AND ENACTMENT CLAUSE**

**SECTION 100.** The Board of Township Trustees of South Bloomfield Township, Morrow county, Ohio in accordance with enabling legislation for Township zoning as provided in Chapter 519 of the Ohio Revised Code hereby provide as follow:

**SECTION 101.** This Resolution shall be known and cited as the Zoning Resolution of 1972.

**SECTION 102.** This Resolution is adopted for the purpose of protecting and promoting the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the economical provision of water, sewage, schools and other public requirements, and lessening or avoiding congestion of public streets and highways.

**SECTION 103.** This Resolution shall take effect and be in force immediately following certification by the Board of Elections, if the plan is so approved by a majority of the vote cast on the Resolution.

### **ARTICLE II - DISTRICTS AND GENERAL PROVISIONS**

**SECTION 200.** The Township is hereby divided into the following districts:

**SECTION 200.1** Residential; which is hereby designated as "R" district.

**SECTION 200.2** Limited Commercial or Business; which is hereby designated as "C" district.

- A. All that area in yellow on the preliminary map. A complete description will be required here in the final draft.

For the purpose of this Resolution, a Limited Commercial District shall include retail but not wholesale merchandising establishments and such businesses or professional services necessary to the convenience and well being of the adjacent residential community.

The districts as shown on the map hereto attached are hereby established and said map is made a part hereof.

No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

**SECTION 201 - OPEN AIR DISTRICTS** The following are district descriptions as indicated above, only three will be utilized at present. Those are "R" Residential; "C" Commercial; and "A" Agriculture.

**SECTION 201.1 - "S-1" SPECIAL** Areas which are large public or semipublic holdings for recreation and conservation purposes, areas suitable for noncommercial recreation, and areas subject to periodic flooding.

**SECTION 201.2 - "A-a" AGRICULTURE** Land which is level or gently rolling and is best reserved for agriculture, forestry, and other rural purposes.

## **SECTION 202 - RESIDENTIAL DISTRICTS**

**SECTION 202.1 - "SR" VERY LOW DENSITY RESIDENCE** For very low density residential development which may or may not have community water and sewage services.

**SECTION 202.2 - "R-1" LOW DENSITY RESIDENCE** For relatively low density residential development which has group water and sewage facilities. (five (5) families or less - Ohio Revised Code.)

**SECTION 202.3 - "R-2" MODERATE DENSITY RESIDENCE** For residential development of moderate density, including multiple dwelling as well as one and two family residences served by group water and sewage facilities. (twenty (20) or more - Ohio Revised Code.)

## **SECTION 203 - BUSINESS DISTRICTS**

**SECTION 203.1 - "C-1" LOCAL BUSINESS** Areas for local or neighborhood business providing principally convenience goods and personal services.

**SECTION 203.2 - "C-2" HIGHWAY AND GENERAL BUSINESS** Areas along major highways or thoroughfares which provide sales and services oriented to highway travelers; or general businesses including sale or services for automotive, farm machinery, building trades, etc.

## **SECTION 204 - INDUSTRIAL DISTRICTS**

**SECTION 204.1 - "M-1" RESTRICTED INDUSTRIAL** Areas for light industries with restricted manufacturing operations, research facilities and offices of a nature which will have little or no detrimental effects on neighboring land uses.

**SECTION 204.2 - "M-2" GENERAL INDUSTRIAL** Areas which, because of their access to transportation and community services, and relative isolation from other land uses, provide good sites for most types of general industry.

## **SECTION 205 - DISTRICT MAP**

**SECTION 205.1** The boundaries of the districts are shown upon the map which is made a part of this Resolution, which map is designated as the "District Map". The District Map and other information shown thereon are a part of this resolution. The original District Map is properly

attested and is on file with the Clerk.

**SECTION 205.2** No amendment to this resolution which involves matter portrayed on the official District Map shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made in the official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Resolution.

**SECTION 205.3** The official District Map, which shall be located in the office of the Clerk shall be the final authority as to the current zoning status of land and water area, buildings and other structures.

#### **SECTION 206 - DISTRICT BOUNDARIES**

**SECTIONS 206.1** The district boundary lines on said map are intended to follow either center-lines of thoroughfares or railroads or lot lines. In the case of unsubsidized property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

**SECTION 207 - COMPLIANCE WITH REGULATIONS** The regulations set forth by this Resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

**SECTION 207.1** No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

**SECTION 207.2** No building or other structure shall hereafter be erected or altered:

- A. to accommodate or house a greater number of families;
- B. to occupy a greater percentage of lot area;
- C. to have narrower or smaller rear yards, front yards, side yards or other spaces:

Than herein required; or in any other manner contrary to the provisions of this Resolution.

**SECTION 207.3** No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements established by this Resolution.

**SECTION 207.4** Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties of unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general purpose and intent of the Resolution and in accordance with the procedures and provisions specified in Article XII. Hardship shall be based on physical limitations of the land and does not encompass financial considerations.

**SECTION 207.5** All categories as set forth in this Resolution shall comply with County Board of Health regulations. Sanitary facilities meeting board requirements shall be provided in all districts and a permit for same obtained from that office before construction or alteration and occupation of the site is initiated.

**SECTION 208 - INTERPRETATION, PURPOSE, AND CONFLICT** In interpreting and applying the provisions of the Resolution, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Resolution; nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this resolution imposes a greater restriction upon the use of buildings or premises or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provision of this Resolution shall control.

**SECTION 209 - USES EXEMPTED FROM PROVISION OF RESOLUTION**

**SECTION 209.1** The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located shall be permitted in all districts established by this Resolution, and no zoning certificate shall be required for any such building or structure. \*Requirements for agriculture status is to meet CAUV requirements of ten (10) acres or two thousand five hundred dollars (\$2,500.00) per year income. Definitions of agriculture is per Section 519 of Ohio Revised Code. \*(Amendment effective February 23, 1996)

**SECTION 209.2** The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Resolution and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.

**ARTICLE III - RESIDENTIAL PERMITTED USES**

**SECTION 300** There is hereby created a "Residential Zone" which includes all territory not included in the Commercial Zones for South Bloomfield Township, "R" District (Residential) (light blue).

The following uses and no other shall be deemed Class "R" uses and permitted in all "R" districts.

**SECTION 301** Single or two-family dwellings and buildings accessory thereto.

**SECTION 302** Tourist homes, rooming houses and boarding houses accepting not more than four (4) guests at any one time.

**SECTION 303** Church, school, college, university, children's home, public library, public museum, community center, fire station, township hall, publicly owned park, publicly owned playground.

**SECTION 304** Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of such dwelling not involve any outward evidence of such use other than a sign as authorized in other sections of this Resolution.

**SECTION 305** Hospital, sanitarium or rest home caring for four or more patients, providing that any such hospital, sanitarium or rest home shall have a lot area of not less than five (5) acres and a frontage on a public thoroughfare of not less than three hundred (300) feet.

**SECTION 306** Roadside stand consisting of a removable structure used only for the display and sale of agricultural products produced on the premises, provided that adequate facilities are maintained for off-the-road parking by customers and provided that such stand is removed during the seasons when it is not actually used. Such stand shall be a least thirty-five (35) feet back from the traveled portion of the road.

**SECTION 307** The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame, vibration or signal disruption of radio or T.V.

**SECTION 308** \*In cases of sickness or age, renewable permits for mobile homes 12' x 60' or larger will be allowed. Permits will be for one (1) year and upon appeal, up to five (5) years. Mobile homes must be approved by Health Department for water and septic systems. Natural disasters or fire, temporary permits will be issued for one (1) year. \*(Amendment effective February 23, 1996)

#### **SECTION 309 - MINIMUM LOT AREA PER FAMILY**

**SECTION 309.1** \*No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than 43,560 square feet (1 acre) of lot area with a minimum width of two hundred (200) feet at building line unless such lot was designed on a recorded plot and separately owned at the time this Resolution took effect and cannot be enlarged practically to conform with this requirement. \*(Amendment effective July 30, 2004)

**SECTION 309.2** No two-family or multiple dwelling shall be erected, or building altered for dwelling purposes to accommodate more than one (1) family on less than 43,560 square feet (1 acre) of lot area per family.

**SECTION 309.3** In computing lot areas, one-half (½) of the road or street Right-of-Way may be included if the lot owner holds title to the same.

**SECTION 309.4** \*No lot shall be more than three (3) times deeper than its width, with the width being that portion which runs along the public street, road or highway. \*\*This ruling to apply only up to CAUV requirements of ten (10) acres or more. \*(Amendment effective November 25, 1989) \*\*\*(Amendment effective February 23, 1996)

**SECTION 309.5** \*All lots shall maintain the 200 continuous feet of public road frontage to the entire ninety (90) feet set back. \*(Amendment effective July 30, 2004)

#### **SECTION 310 - MINIMUM DWELLING SIZES**

**SECTION 310.1** No single family one-story dwelling shall be erected with less than one thousand two hundred fifty (1250) square feet of gross ground floor area, exclusive of breezeways, porches, terraces, basements, and garages; 1250 square feet may be reduced to one thousand fifty (1050) square feet if built over a full basement.

**SECTION 310.2** No single-family multiple-story dwelling shall be erected with less than one thousand three hundred fifty (1350) square feet of gross floor area per family, exclusive of breezeways, porches, terraces, garages and basements.

**SECTION 310.3 - APARTMENT FAMILY DWELLINGS** \*All two (2) or more multiple family dwellings (including condominiums and apartments) shall conform to SECTION 310.1 and SECTION 310.2 per individual quarters not to exceed two (2) stories high. \*(Amendment effective November 14, 2004)

**SECTION 311 - SETBACK LINE** No building or structure or any portion thereof shall be erected within ninety (90) feet to the center of the road.

**SECTION 312 - SIDE OF CLEARANCE**

**SECTION 312.1** For every building erected in an "R" district, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purpose of this section. All other accessory buildings shall be at least twenty (20) feet from any dwelling.

**SECTION 312.2** An accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lot; provided, that it will be not less than twenty (20) feet distance from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

**SECTION 313 - REAR LOT CLEARANCE** For every building erected in a "R" district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least ninety (90) feet.

**SECTION 314 - CORNER LOTS** The set back building line on a corner lot shall be in accordance with the provisions governing the road or highway on which the building faces. If possible, the side yard clearance on the side road shall conform the set back line for an inside lot on said street or road, but in no event shall said side yard clearance be less than twenty-five (25) feet from the Right-of-Way side line of the street or road.

**SECTION 315 - MOBILE HOMES**

**SECTION 315.1** \*Manufactured or Mobile homes must have one thousand two hundred fifty (1250) square footage or one thousand fifty (1050) square footage (living space delivered) and on a full basement. Manufactured or Mobile homes with less footage must be in mobile home parks. \*(Amendment effective November 19, 1996)

**SECTION 315.2** Minimum gross living area shall be nine hundred (900) square feet delivered dimensions, exclusive of floor area devoted to basements, utility rooms, attached garages, open or enclosed porches, and the like.

**SECTION 315.3** All mobile homes will be placed on supporting blocks or foundations with wheels off the ground or removed and anchored to the ground for support for safety reason.

**SECTION 315.4** All requirements as set forth in Article III above for permanent buildings shall apply to single mobile homes except as outlined in Section 315.1 through Section 315.4



## **SECTION 316 - MODULAR HOMES**

**SECTION 316.1** Modular homes either pre-constructed wood or metal, trucked to the site or transported on trailer "trucks" and placed on permanent foundation at the building site shall be considered a permanent dwelling and comply with requirements as set forth in Article III, Section 300 to Section 314 inclusive.

**SECTION 317** All above categories shall adhere to the County and State Health Regulations.

## **ARTICLE IV - MOBILE HOME PARKS**

### **SECTION 400 - PROVISIONS FOR MOBILE HOME PARKS**

**SECTION 401 - LOCATION** Mobile home parks may be constructed and located as the use map indicates. Where any boundary of a park directly abuts property which is improved with a permanent residential building located within twenty-five (25) feet of such boundary, or directly abuts unimproved property which may under existing laws and regulations be used for permanent residential construction, a fence, wall or hedge shall be provided along such boundary.

**SECTION 402 - MOBILE HOME PARK PLAN** The mobile home park shall conform to the following requirements:

**SECTION 402.1** The park shall provide mobile home spaces, and each such space shall be clearly defined or delineated. Each space shall have an area of not less than four thousand five hundred (4500) square feet; provided, however, that mobile home parks which, at the time of the adoption of this ordinance, existed lawfully with mobile home spaces that do not comply with any of the foregoing minimum area and width or minimum average area and average width requirements, may continue to operate and shall be excused from such compliance, but if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity with Section 519.02 TO 519.25, inclusive, of the Ohio Revised Code.

**SECTION 402.3** Mobile homes shall be so located on each space that there be at least a twenty-five (25) foot clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may not be less than twenty-five (25) feet. No mobile home shall be located closer than ten (10) feet to any building within the park or to any property line of the park which does not abut upon a public street or highway. No mobile home shall be located closer to any property line of the park abutting upon a public street or highway than twenty-five (25) feet or such other distance as may be established by ordinance or regulation as a front yard or set back requirement with respect to conventional buildings in the district in which the mobile home park is located.

**SECTION 402.4** Walkways not less than thirty (30) inches wide shall be provided from the mobile home spaces to the service buildings.

**SECTION 402.5** All driveways and walkways within the park shall be hard surfaced and lighted at night.

**SECTION 402.6** An electrical outlet supplying at least 100-115/220-250 volts, 100 amperes shall be provided for each mobile home space.

**SECTION 402.7** Each mobile space shall be provided with two off street parking spaces and no parking on the street shall be permitted.

**SECTION 402.8** \*\*"Manufactured Home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", 88 Stat. 700, 42 U.S.C.A. 5401, 5403 and has a permanent label or tag affixed to it, as specified in 43 U.S.C.A. 5415 certifying compliance with all applicable federal construction and safety standards. \*(Amendment effective July 30, 2004)

**SECTION 403 - WATER SUPPLY** An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings, if provided, and mobile home spaces within the park, to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four (4) inches above the ground.

**SECTION 404 - SERVICE BUILDINGS**

**SECTION 404.1** Service buildings, housing sanitation facilities shall be permanent structures complying with all applicable resolutions and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

**SECTION 404.2** The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened opening, shall be constructed of such moisture-proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least sixth-eight (68) degrees Fahrenheit during the period from October 1<sup>st</sup> to May 1<sup>st</sup>. The floors of the service buildings shall be of water impervious material.

**SECTION 404.3** All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and dept free of any condition that menaces the health of any occupant or the public or constitute a nuisance.

**SECTION 405 - SEWAAGE AND REFUSE DISPOSAL**

**SECTION 405.1** Waste from showers, bath tubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable resolutions or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard.

**SECTION 405.2** Each mobile home space shall be provided with a sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bath tub, flushed toilets, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard.

**SECTION 405.3** All sewage and refuse disposal shall comply with the specifications and rules of the State of Ohio Department of Health and those of The Morrow County Board of Health Commissioner.

**SECTION 406 - GARBAGE RECEPTACLES** Garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located on the mobile home space. The cans shall be dept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to issue that the garbage cans shall not overflow.

**SECTION 407 - FIRE PROTECTION** Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. The park shall be serviced by local area fire protection organization.

**SECTION 408 - SUPERVISION**

**SECTION 409 - PERMITS**

**SECTION 409.1** It shall be unlawful for any person to maintain or operate a mobile home park within the limits of South Bloomfield Township unless such person shall first obtain a license therefore, except that the maintenance or operation of a mobile home park in existence of the effective date of this ordinance may be continued under a temporary permit for such period of time and under such conditions as are hereinafter prescribed.

**SECTION 409.2** A temporary permit, upon written request therefore, shall be issued by the designated official for every mobile home park in existence upon the effective date of the Resolution, permitting the park to be maintained and operated during the period ending one hundred eighty (180) days after the effective date of this Resolution, without being subject to the provisions of this ordinance, except such of the provisions as are made expressly applicable to permittees.

**SECTION 409.3** The term of the temporary permit shall be extended, upon written request, for not to exceed one (1) additional period of one hundred eighty (180) days, if

- (1) the permittee shall have filed application for a license in conformity with Article IV of this Resolution within ninety (90) days after the effective date of this ordinance,
- (2) the permittee is of good moral character, and the park plans and specifications accompanying the application for license comply with all provisions of this Resolution and all other applicable resolutions and statutes,
- (3) the permittee shall have diligently endeavored to make the existing park conform fully to the plans and specifications submitted with the application, and
- (4) failure to make the existing park conform fully to such plans and specifications shall have been due to causes beyond the control of the permittee.

**SECTION 410 - LICENSE FEES AND TEMPORARY PERMIT FEES**

**SECTION 410.1** The annual license fee for each mobile home park shall be one hundred (\$100) dollars.

**SECTION 410.2** The fee for transfer of license shall be twenty-five (\$25) dollars.

**SECTION 410.3** The temporary permit fee for each one hundred eighty (180) day period shall be one half (½) of the annual license fee prescribed in Sub-Section 410.1 of this Section.

## **SECTION 411 - APPLICATION FOR LICENSE**

**SECTION 411.1** Application for initial license. Application for initial mobile park license shall be filed with the designated official. The application shall be in writing, signed by the applicant and shall include the following:

- (1) The names and address of the applicant,
- (2) The location and legal description of the mobile home park,
- (3) A complete plan of the park in conformity with the requirements of this ordinance,
- (4) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park; in accordance with Ohio Revised Code 3733,
- (5) Such further information as may be requested by the designated official to enable him to determine if the proposed park will comply with legal requirements. The application and all accompanying plans and specifications shall be filed in quadruplicate. The designated official shall investigate the applicant and inspect the application and proposed plans and specifications. If the applicant is of good moral character, and the proposed public home park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this ordinance and all other applicable ordinances and statutes, the designated official shall approve the application, and upon completion of the park according to the plans shall issue the license.

**SECTION 411.2 - APPLICATION FOR RENEWAL LICENSE** Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee the designated official shall issue a certificate renewing such license for another year.

**SECTION 411.3 - APPLICATION FOR TRANSFER OF LICENSE** Upon application in writing for transfer of license and payment for the transfer fee, the designated official shall issue a transfer if the transferee is of good moral character.

**SECTION 412 - REVOCATION OF LICENSE** The officer as designated by the Trustees may revoke any license to maintain and operate a park when the licensee has been found guilty by court of competent jurisdiction of violating any provision of this ordinance. After such conviction, the license shall be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

**SECTION 413 - POSTING OF LICENSE AND TEMPORARY PERMIT** The license certificate or temporary permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

**SECTION 414 - SEPARABILITY OF PROVISIONS** Should any Section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 415 - PENALTY** Whoever violates Section 519.18 to 519.25 inclusive of the Ohio Revised Code shall be fined not more than one hundred (\$100) dollars for each offense. (Section 519.99 Ohio Revised Code)

**SECTION 416 - DEFINITIONS** As applied to mobile parks:

**SECTION 416.1** "Licensee" means any person licensed to operate and maintain a mobile home park under the provisions of this Resolution.

**SECTION 416.2** "Mobile home" means any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having no foundation other than wheels, jacks, or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

**SECTION 416.3** "Dependant mobile home" - a mobile home without inside toilets and bath are prohibited in a mobile park as defined in the Resolution.

**SECTION 416.4** "Mobile home park" means any plot of ground upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not charge is made for such accommodation.

**SECTION 416.5** "Mobile home space" means a plot of ground within a mobile park designed for the accommodation of one mobile home.

**SECTION 416.6** "Park" means mobile home park.

**SECTION 416.7** "Permittee" means any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this ordinance.

**SECTION 416.8** "Person" means any natural individual, firm, trust, partnership, association or corporation.

**ARTICLE V - COMMERCIAL USES**

**SECTION 500** There is hereby created a "Commercial Zone" which includes all territory not included in the residential or agricultural zones of South Bloomfield Township.

**SECTION 501** Minimum lot width for "C" is eighty (80) feet on a ten thousand (10,000) square feet lot with a setback of at least ninety (90) feet from the center of the road. Maximum building height may not exceed two (2) stories or thirty-five (35) feet.

**SECTION 502** Non-residential or business buildings shall not be located nor constructed closer to any lot line of any other lot in an "R" district than the distance specified in Article III for Residential Districts.

**SECTION 503** Permitted uses may include retail business, personal services, professional services, offices, banks, restaurants, social activities, essential services, public and semi-public services.

**SECTION 504** Conditional uses requiring Board approval are: gasoline stations, automobile sales and service, animal hospital and clinics, sales and storage of building materials, printing and publishing, motel and hotel services, commercial recreational facilities, wholesale business and dry cleaning plants.

## **ARTICLE VI - PROHIBITED USES**

**SECTION 600** The following shall be deemed objectionable and shall not be permitted in any districts:

**SECTION 600.1** Amusement Park.

**SECTION 600.2** Bulk petroleum station with tanks above ground.

**SECTION 600.3** Chemical manufacturing or storage.

**SECTION 600.4** Crematory.

**SECTION 600.5** Distilling of bones, fat or glue, glue or gelatin manufacturing.

**SECTION 600.6** Manufacturing or storage of explosives, gunpowder or fireworks.

**SECTION 600.7** Dumping, storing, \*burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as results from the normal use of premises, unless such dumping is done at a place provided by the County for such purposes. \*(Amendment effective July 30, 2004)

**SECTION 600.8** Wrecking and salvage businesses, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes. The storage of two (2) or more unlicensed or abandoned motor vehicles shall be deemed to constitute an automobile wrecking and salvage business.

**SECTION 600.9** Outdoor theaters.

**SECTION 600.10** Slaughter houses.

**SECTION 600.11** Race tracks using motor driven vehicles.

**SECTION 600.12** \*Sexually-oriented businesses must be located at least fifteen hundred (1500) feet from the outer boundaries of an "R/A" district, and from schools, churches, daycare, youth camps, or public park properties. \*(Amendment effective July 30, 2004)

**SECTION 600.13** \*No landfills for waste dumping of hazardous waste, hospital or infectious waste of any kind. \*(Amendment effective July 30, 2004)

## **ARTICLE VII - NON-CONFORMING USES**

### **SECTION 700 - NON-CONFORMING USES AFFECTED BY THESE RESOLUTIONS**

**SECTION 701** Non-conforming use of buildings and land not affected by zoning. The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time enactment of a zoning resolution or amendment, but if any such non-conforming use is voluntarily discontinued for ten (10) days or more, any future use of said land shall be in conformity with Sections 519.02 to 519.25 inclusive, of the Ohio Revised Code. The Board of Township Trustees shall provide in any zoning resolution for the completion, restoration, reconstruction, extension, or substitution of non-conforming uses upon such reasonable terms as are set forth in the zoning resolution. (Ohio Revised Code 519.19)

**SECTION 702** Any building arranged, intended or designed for non-conforming use, the construction of which has been started at the time of the passage of this Resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within six (6) months after this Resolution takes effect.

**SECTION 703** Any building or structure, existing as non-conforming uses at the time this Resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within one (1) year from the date of said destruction.

**SECTION 704** Any building or structure, existing as non-conforming use at the time this Resolution takes effect may not be altered or enlarged so as to extend said non-conforming use.

**SECTION 705** Whenever a non-conforming use has been changed to more restricted use or to a conforming use, such use shall not thereafter be changed to less restricted or non-conforming use.

## **ARTICLE VIII - OUTDOOR ADVERTISING**

### **SECTION 800 - OUTDOOR ADVERTISING AFFECTED BY THESE RESOLUTIONS**

**SECTION 801** For the purpose of this Resolution, outdoor advertising shall be classified as business use and be permitted in all districts zoned industry, business, or trade, or lands used for agricultural purposes.

**SECTION 802** No outdoor advertising sign shall be placed nearer any street or road than the minimum set-back building line.

**SECTION 803** \*No outdoor advertising sign more than two feet by four feet (2' X 4') in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet. Signs attached to buildings shall not exceed four feet by eight feet (4' X 8') in size. \*(Amendment effective November 25, 1989)

**SECTION 804** Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

## **ARTICLE IX - NATURAL RESOURCES**

**SECTION 900** The mining of sand, gravel, or clay, mineral ore deposits, and the drilling for oil or gas shall be permitted in zoned area provided:

**SECTION 901** Such operations are at least eight hundred (800) feet from an established residential development.

**SECTION 902** Such operations are at least eight hundred (800) feet from an established single isolated residence, provided such residence is not on the land where the operation is performed.

**SECTION 903** Application for such operations shall be made to the Zoning Inspector who shall issue a certificate for same on receipt of a ten (\$10) dollars fee. Certificate shall be valid for one (1) year and renewable annually at one (\$1) dollar per annum.

**SECTION 904** Upon termination of operations, land shall revert to the original use. All buildings and structures shall be removed at the expense of the operator within six (6) months of termination date.

## **ARTICLE X - ZONING INSPECTOR AND CERTIFICATES**

### **SECTION 1000 - PROVISIONS FOR INSPECTION AND CERTIFICATES**

**SECTION 1001** The position of Township Zoning Inspector is hereby created. He/she shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He shall keep records of all applications of Zoning Certificates and the action taken thereon.

**SECTION 1002** Before construction and building (excluding buildings incident to agricultural purposes), changing the use of, or altering any building or structure (including accessory buildings or changing the use of any premises), application shall be made to the Township Zoning Inspector for a Zoning Certificate. The applicant shall indicate the exact location of the proposed construction and submit a readable diagram showing the proposed location and dimensions and the proposed use.

**SECTION 1003** A Zoning Certificate shall be revocable, if among other things the actual use, construction or alteration does not conform to the terms of application and certificate granted thereon.

**SECTION 1004** A Zoning Certificate shall expire ~~one (1) year~~ after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such Certificates.

**SECTION 1005** Application for Zoning Certificates shall be accompanied by the following fees: For new construction, the fee shall be a flat rate of \*one hundred twenty-five (\$125) dollars. For alteration, the fee shall be a flat rate of \*fifty (\$50.00) dollars. \*(Amendment effective February 23, 1996)

**SECTION 1006** \*(Amendment deleted effective February 23, 1996)

**SECTION 1007** No permit shall be required for minor alterations, remodeling or repairs on any building, providing that the foundation or roof line is not changed. No permit shall be required for temporary removable structures erected as part of construction project, nor for construction of roads, sewers, service lines, utility lines or driveways.

## **ARTICLE XI - APPEALS AND HARDSHIPS**

**SECTION 1100 - TOWNSHIP BOARD OF ZONING APPEALS; COMPENSATION AND EXPENSES** In any Township which adopts Zoning Regulations, the Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory in the Township included in the area zoned. The terms of all members shall be such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may within the limits of the monies appropriated by the Board of Township Trustees for these purposes, employ such executives, professional, technical, and other assistants as it deems necessary. (Section 519.13 Ohio Revised Code)



**SECTION 1101 - POWERS OF TOWNSHIP BOARD OF ZONING APPEALS** The Township Board of Zoning Appeals shall have the following powers:

**SECTION 1101.1** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code, or of any resolution adopted pursuant thereto;

**SECTION 1101.2** To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;

**SECTION 1101.3** To grant conditional Zoning Certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the Zoning Resolution.

In exercising the above-mentioned powers, such Board, may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that and shall have all powers of the officer from whom the appeals are taken. (Section 519.14 Ohio Revised Code.)

**SECTION 1102 - RULES, ORGANIZATION AND MEETINGS OF ZONING APPEALS BOARD** The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board determines. The Chairman, or in his absence the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and be public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing, with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney. (Section 519.15 Ohio Revised Code)

## **ARTICLE XII - AMENDMENTS**

### **SECTION 1200 - PROVISION FOR AMENDMENT OF RESOLUTIONS**

**SECTION 1201 - AMENDMENTS OR SUPPLEMENTS TO ZONING RESOLUTION; PROCEDURE REFERENDUM** Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Rural Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township zoning Commission. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

**SECTION 1202** Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.

**SECTION 1203** The Board of Township Trustees may require that the owner or lessee of property filing an application to amend or supplement the Zoning Resolution pay a fee therefore to defray the cost of advertising, mailing and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. (Ohio Revised Code 5/7/68)

**SECTION 1204** If the proposed amendment or supplement intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by First Class Mail, at least twenty (20) days before the date of the public hearing to all owners of property within the contiguous to an directly across the street from such area proposed to be re-zoned or re-districted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County or Regional Planning Commission and to the Board of Township Trustees as the case may be.

**SECTION 1205** Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission, if there is such a commission.

**SECTION 1206** The County or Regional Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval or some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

**SECTION 1207** The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County or Regional Planning Commission thereon to the Board of Township Trustees.

**SECTION 1208** The Board of Township Trustees shall, upon receipt of such recommendation set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing.

**SECTION 1209** The published notice shall set forth the time and place of the public hearing a summary of the proposed amendment or supplement.

**SECTION 1210** Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Township Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.

**SECTION 1211** Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8%) percent of the total vote cast for all candidates for governor in such area at the least preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

**SECTION 1212** No amendment or supplement for which such referendum vote has been requested shall be put into effect, unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect. (Section 519.12 Ohio Revised Code)

**SECTION 1212.1 - RATIFICATION OF AMENDMENTS TO TOWNSHIP ZONING PLAN** All amendments or supplements to a Township zoning plan adopted by a Board of Township Trustees prior to the effective date of the act, except those amendments or supplements which a Court of competent jurisdiction has declared unlawful or unreasonable or which are the subject of an action now pending in such a Court are hereby rectified and shall be valid amendments or supplements to such zoning plans regardless of the procedure followed with respect to such amendments or supplements prior to this adoption by a Board of Township Trustees, except that no right of appeal on the issue of the unlawful or unreasonable character of an amendment or supplement shall be lost by the provision of this section. (Section 519.121 Ohio Revised Code) (7/6/56)

## **ARTICLE XIII - VIOLATIONS**

### **SECTION 1300 - USES IN VIOLATIONS**

**SECTION 1301 - PROHIBITION AGAINST VIOLATING RESOLUTION** No Building shall be located, erected, constructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any Resolution, or amendment or supplement to such resolution adopted by any Board of Township Trustees under Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense. (Section 519.23 Ohio Revised Code)

**SECTION 1302** Action to prevent violations of zoning regulations; special counsel, in case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation provision adopted by any Board of Township Trustees under such sections, such Board, the Prosecuting Attorney or the County, the Township zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section. (Section 519.24 Ohio Revised Code)

~~**SECTION 1303 - PENALTY** Whoever violates Section 519.01 to 519.25, inclusive, of the Revised Code shall be fined not more than one hundred (\$100) dollars for each offense. (Section 519.99 Ohio Revised Code)~~

*Change to comply w/ current law*

## **ARTICLE XIV - EFFECT OF INVALIDITY OF ONE SECTION**

### **SECTION 1400 - INVALIDITY**

**SECTION 1401** Should any section or provision of this Resolution be decided by the Courts to be unconstitutional or invalid, such decision shall not effect the validity of the Resolution as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

**SECTION 1402** All resolutions or parts thereof which are in conflict with the provisions of the Resolution are hereby repealed.

## **ARTICLE XV - DEFINITIONS**

**A - INTENT** - The following terms shall have, throughout this text, the meaning given herein:

1. The word "shall" is to be interpreted as mandatory and not directory; the word "may" is permissive.
2. All words used in the singular shall include the future tense, unless the context clearly indicates the contrary.
3. The word "Township" shall mean South Bloomfield Township, Morrow County, Ohio, the term "Commission" shall mean the Zoning Commission of said Township, the term "Board" shall mean the Board of Zoning Appeals of said Township, the term "Trustees" shall mean the Board of Township Trustees of said Township.

## **B - AREAS**

1. Area of Buildings - the area at the ground level of the main building and all accessory building (excluding unenclosed porches, terraces and steps) measured from the outside surface of exterior walls.
2. Area of Lot - The total horizontal area within the lot boundary lines of a zoning lot.

## **C - BUILDINGS AND STRUCTURES**

1. Structure - that which is constructed, located more or less permanently on the ground or attached to something located on the ground.

a. Including building, barriers, bridges, bulkheads, coal bunkers, public seating facilities, platforms, pools, poles, tanks, tents, towers, roadside stands, sheds, signs, and wall.

b. Excluding trailers and other vehicles whether on wheels or other supports.

c. Fences - Section XII (Setback lines), XIII (Side lot clearance), XIV (Rear lot clearance) and XV (Corner lots) as set forth in preceding sections shall not apply but a zoning permit shall be required.

For the purpose of this resolution, a fence is defined as a boundary device either permanent or temporary, consisting of posts, wire and /or rail enclosing lots, yards, drives, or fields for the purpose of protection, privacy or decoration. More permanent or solid devices constructed of stone, brick, or masonry and used for the above purposes shall be defined as wall.

2. Building - a structure which is permanently affixed to the land, has one (1) or more floors and a roof, is bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, and/or property. This term shall be used synonymously with "Structure" unless otherwise noted, and shall be constructed as is followed by the words 'or parts thereof'.
3. Main Building - the building occupied by the chief use or activity on the premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.
4. Accessory Building - a subordinate building detached from, but located on the same zoning lot as the main building, the use of which is customarily incident to that of the main building or use.
5. Building Line - (Synonymous with set back line) a line established by this Resolution, generally parallel with a lot line, defining the limits of a yard in which no building or structure above ground may be located, except as otherwise provided herein.

## **D - DWELLINGS AND OTHER LIVING ACCOMMODATIONS**

1. Dwelling Unit - space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities - all used by only one (1) family.
2. Dwelling - a building designed or occupied exclusively for non-transient residential use (including one-family, two-family, or multi-family buildings).

3. One-Family Dwelling - a building consisting of one (1) dwelling unit only, detached or separated from other dwelling units by open space.

4. Two-Family Dwelling - a building consisting of two (2) dwelling units which are either attached side by side or one above the other, and each unit having either a separate or combined entrance (s) including duplex and flats.

5. Rooming House - a building operated by a resident family accommodating for compensation, one (1) to four (4) (inclusive) persons by the week, or for a more extended period of time.

6. Tourist House - a one-family dwelling operated by a resident family in which only overnight guests are lodged for compensation.

**E - FAMILY** Either an individual, two (2) or more persons who live together in one (1) dwelling unit and maintain a common household, related by blood, marriage, or adoption.

#### **F - HOME OCCUPATIONS AND PROFESSIONAL OFFICES**

1. Home Occupation - a gainful occupation clearly incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling, or in a building accessory thereto, only by members of the resident family.

2. Home Professional Office - a secondary office clearly accessory to and located in the dwelling occupied by a person practicing in any of the recognized professions (including accountant, architect, artist, engineer, lawyer, musician, physician).

**G - JUNK OR AUTO WRECKING YARD** Land used to dismantle more than one (1) motor vehicle or trailer, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, secondhand building materials, junk, paper, containers or other salvaged materials.

#### **H - LOT**

1. Zoning Lot - a single tract of land abutting a dedicated street, occupied or intended to be occupied by a use, building or group of buildings and their accessory used an buildings as a unit, together with such open spaces as are required by this Resolution (it may not coincide with a lot of record). Unless the context clearly indicates the contrary, the term lot is use synonymously with zoning lot throughout this Resolution.

2. Corner Lot - A lot abutting on two (2) streets at their intersections, where the interior angle or intersection is not more than one hundred thirty-five (135) degrees.

3. Interior Lot - A lot other than a corner lot or through lot.

4. Front Lot Line - The lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts a street.

5. Lot Depths - The mean horizontal distance of a lot measured between the front and rear lot lines.

6. Lot Widths - The horizontal distance of a lot measured along the building front and rear lot lines.

## **I - NONCONFORMING BUILDING AND USE**

1. Nonconforming Buildings - a building existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the area or yard regulations of the district in which it is located.
2. Nonconforming Use - The use of a building or land existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.

**J - ROADSIDE STAND** A removable structure used only, or intended to be used only for the sale of seasonal agricultural produced on the premises.

## **K - SIGNS**

1. Sign - A structure or part thereof, or any devise attached to a structure or painted or presented on a structure, which shall display or include any letter, word, model, banner, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, or advertisement.
2. Business Sign - A sign which directs attention to a business, commodity, service or profession conducted, sold or offered upon the same lot.
3. Real Estate Sign - A "for sale" or "for rent" sign relating to and located on the zoning lot.
4. Advertising Sign - A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same zoning lot (including a billboard).

**L - STREET** An existing public way shown upon a plat approved by official action and duly filed and recorded and affording the principal means of access to abutting property.

## **M - TRAILERS**

1. House Trailers - A self propelled or non-self propelled vehicle so designed constructed, or added to by means of accessories in such manner as will permit the use and occupancy therein for human habitation whether resting on wheels, jacks, or other foundations and used or so constructed as to permit its being used as a conveyance upon the public highways.
2. Trailer Park or Tourist Camp - Any premise occupied by , more than one (1) family in house trailers, tents, camp cars, or similar facilities and shall include roadway, structure, vehicle, or enclosure used or intended for use as a part or such house trailer park.

**N - USE** Use - Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity, or operation carried on in a building, other structure or on land.

1. Main Use - The principal purpose or activity of a building, other structure zoning lot.
2. Accessory Use - A use located on the same lot with the main use of building or land, but incidental to the main use of main building or land.

**O - VARIANCE** A modification of this resolution permitted in instances where a literal application of these provisions would result in undue hardship as a result of some unique or peculiar condition or circumstance pertaining only to the zoning lot in question.

**ARTICLE XVI \* (Amendment effective November 14, 2004)**

**SECTION 1500 SUBDIVISION REGULATIONS**

**SECTION 1500.1** All subdivisions shall have a minimum of two (2) means of egress. The entrances and exits shall connect with Federal, State or County roads. The means of egress shall be separated by at least seven hundred and fifty (750) feet and be located on two (2) or more separate roads where possible.

**SECTION 1500.2** The means of egress may be approved by the Township Trustees to utilize Township roads provided that the developer of the subdivision upgrades the roads to the County standards. The upgrade shall extend in each direction to the nearest intersection with a maximum distance of a quarter ( $\frac{1}{4}$ ) of a mile in each direction. This means that if the intersection is less than a quarter ( $\frac{1}{4}$ ) of a mile away, the developer only upgrades the road to the intersection. If the intersection is more than a quarter ( $\frac{1}{4}$ ) of a mile away, the developer must upgrade to County standards the first quarter ( $\frac{1}{4}$ ) of a mile in both directions from the entrance to the subdivision. There shall be no cost to the Township for any upgrading. The costs for upgrading the roads will be paid by the developer for the subdivision. This upgrading of the roads shall be completed before the first building lot is sold.

**SECTION 1500.3** All subdivision roads shall be constructed to the County standards and approved by the County Engineer prior to any home site development. Utilities such as water, sewer, electric, gas, etc. may be located in the right of way during the road construction phase.

**SECTION 1500.4** All subdivisions shall be served by underground utilities. No above ground devices or equipment other than pad mount transformers, gas, electric, and water meters, telephone junction boxes, etc. shall be allowed.

**SECTION 1500.5** Paragraph 1500.4 is not intended to prevent the home owner from installing and using above ground equipment such as pools, game courts, T.V. satellites, ect.

**SECTION 1500.6** All homes constructed in the subdivision shall be single family dwellings. The minimum lot size for homes with private sewage systems will be three (3) acres. These homes will be constructed on lots with a frontage ratio of two (2) to one (1) depth to width ratio. This means that the depth can not exceed two (2) times the width of the lot that is along the public road or highway. If public sewage is available, then lot size can be reduced to a half (0.5) acre. However, the half (0.5) acre lots must still meet the frontage ratio of two (2) to one (1).

**SECTION 1500.6 (A)** All subdivisions with private septic systems shall have ground borings done prior to installations by a private testing company at the expense of the builder. The County Health Department must approve all borings.

**SECTION 1500.7** All subdivisions shall preserve a minimum of twenty percent (20%) of the total area of the subdivision as a "green zone". The "green zone" shall consist of old forest, ponds, and wetland or other natural areas deemed acceptable by the Trustees. They shall be generally square or round and located to provide usual and sound blocking, where possible, for existing residential homes. No more than two (2) such "green zones" shall be considered in calculating the required twenty percent (20%).

**SECTION 1500.8** All subdivisions shall maintain an owners association which shall carry liability insurance covering all green space.



**SECTION 1500.9** Prior to beginning development the developer will submit a watershed study to the following departments: The South Bloomfield Township Trustees, the Morrow County Engineer's Office, the Morrow County Health Department, and the Morrow County Conservation Department. The developer will comply with all recommendations and suggestions from these departments. Only after the completion of improvements as suggested by the above departments on watershed issues will construction be permitted.

**SECTION 1500.10** Major subdivisions shall not be approved for construction on less than eighty (80) contiguous acres.

#### **SECTION 1510 - WATER AND WASTE WATER**

**SECTION 1510.1** All subdivisions shall be provided with public drinking water.

**SECTION 1510.2** No waste water shall cause damage or harm to any other dwelling or property.

#### **SECTION 1520 - FIRE PROTECTION/EMS**

**SECTION 1520.1** There shall be no dead end road allowed in any subdivision. All cul-de-sacs must be one hundred and fifty (150) feet wide at turn around unless State specifications are larger. The road width leading into a cul-de-sac must meet County regulations.

**SECTION 1520.2** Approved fire hydrants shall be installed throughout the subdivision along the roads as directed by the Fire District serving the area. In no case shall the hydrants be located further than one (1) or every eight (8) houses if available with public water.

**SECTIONS 1520.3** All roads including driveways shall be designed to support without damage the weight of fully loaded public safety vehicles. The design weight shall be no less than fifty thousand (50,000) pounds.

**SECTION 1520.4** All recommendations, suggestions and orders of the Fire District shall be considered mandatory and incorporated in the initial design of the subdivision.

#### **SECTION 1530 - PROTECTION OF EXISTING ROADS AND INFRASTRUCTURE**

**SECTION 1530.1** The developer shall post a bond with the County Engineer to cover the cost of any improvements or repairs necessary to existing County and Township roads. The amount of that bond shall be determined by the County Engineer.

**SECTION 1530.2** Construction traffic shall be routed on roads selected and approved by the Township.

**SECTION 1530.3** The Township shall have authority to require a bond or bonds from the subdivision developer to protect the Township from any costs that may be incurred for road or other repairs made necessary by the developer's activities.

**SECTION 1530.4** Prior to the beginning of construction the developer will forward to the Township Trustees a map of all roads that will be used in the project. This requirement is limited to roads located in South Bloomfield Township. Construction debris, mud or other material from the subdivision shall be cleaned off all roads at least twice per day or as directed by the Township. Failure to comply shall result in forfeiture of the bond required in Section 1530.3.

#### **SECTION 1540 - INSURANCE**

**SECTION 1540.1** The developer shall maintain all insurance coverage as required by Federal, State, and County regulations. In addition the developer shall maintain minimum liability coverage of five million (\$5,000,000) dollars U.S. Copies of all insurance policies in effect shall be provided to the Township and any changes immediately reported to the Township Trustees.

#### **SECTION 1550 - INSPECTIONS**

**SECTION 1550.1** The Township reserves the right to hire, at the expense of the developer, experts such as engineers, surveyors, environmental consultants, archeologist, ect. As may be considered necessary to insure the safe and proper construction of the subdivision.

#### **SECTION 1560 - ARTIFACTS**

**SECTION 1560.1** Ohio is known to have many historical sites containing valuable artifacts. Uncovering any artifact must be reported immediately to the Township and all work in the involved area must stop pending investigation by Ohio Historical Society.

- Add a new Article to the Zoning Resolution for Telecommunication Towers to comply with ORC 519.211; add language below.

The purpose of Article \_\_\_ is to regulate telecommunication towers as defined in ORC Section 519.211 (B)(1) which are proposed to be located in the area zoned for residential use.

An applicant proposing to construct a telecommunication tower as defined in ORC Section 519.211(B)(1) in an area zoned for residential use shall provide documentation to the Board of Trustees that notice has been provided in accordance with Section 519.211 of the ORC. If a timely notice from any person entitled to object under ORC Section 519.211(B) is made, then the applicant shall be subject to the requirements set forth in this Resolution. Upon receipt of such notice, the proposed telecommunication tower shall be deemed to be and classified as a prohibited use in the area zoned for residential use unless permitted under this Article.

Telecommunication towers meeting the following conditions shall be deemed a permitted use in areas zoned for residential use:

- The applicant proposing to construct the telecommunication tower in an area zoned residential shall provide documentation that notice has been provided in accordance with ORC Section 519.211. If a timely notice from any person entitled to object is made, then the applicant shall comply with the remaining criteria:
  - Applicant shall document the nature and location of all existing and approved towers within range of the proposed equipment and certify to the Board of Trustees or the Board of Zoning Appeals support documentation that one or more of the following conditions exist:
    - Planned equipment would exceed the structural capacity of existing and approved towers;
    - Existing towers do not have space on which a new antenna could function in parity with similar equipment in the area;
    - The fees and/or costs for shared use are unreasonable.
  - New telecommunication towers shall be located on a site of sufficient size so as to contain on-site all ice-fall or debris from tower failure and preserve the privacy of abutting properties, particularly if those properties are single family residences.
  - New telecommunication towers shall be designed to collapse downward and inward in the event of failure instead of over and outward so as ensure safety of adjacent structure and properties.
  - The following setback requirements must be met:
    - The base of the tower shall be set back from all abutting property not less than fifty percent (50%) of the height of the tower and not less than 100 percent (100%) of the height of the tower from any dwelling.
    - Guy wire anchors shall be set back from all abutting property not less than fifty (50) feet.
    - Accessory buildings shall be set back from all abutting property not less than the required setback for the zoning district in which the tower is located.
  - The applicant or its successor shall, within thirty (30) days of ceasing operation at the site of the telecommunication tower, give notice to the Township Trustees. Facilities shall be removed within twelve (12) months of ceasing operation.